



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

HOUSE BILL NO. 227

TUESDAY, JANUARY 24, 2012

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE April 11, 2012
1:14 p.m.
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Mary Sue Helm

1 AN ACT relating to money transmitter permissible investments.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 286.11-015 is amended to read as follows:

4 (1) Every licensee shall, at all times, maintain permissible investments that have a
5 market value that is computed in accordance with generally accepted accounting
6 principles. These investments shall not be less than the aggregate amount of all
7 outstanding payment instruments.

8 (2) Except to the extent otherwise limited in subsection (5) of this section, the
9 following investments are permissible for a licensee:

10 (a) Cash, time deposits, savings deposits, demand deposits, a certificate of
11 deposit, or senior debt obligation of an insured depository institution as
12 defined in 12 U.S.C. sec. 1813 or as defined under 12 U.S.C. sec. 1781;

13 (b) Banker's acceptance or bill of exchange that is eligible for purchase upon
14 endorsement by a member bank of the federal reserve system and is eligible
15 for purchase by a federal reserve bank;

16 (c) An investment bearing a rating of one (1) of the three (3) highest grades as
17 defined by a nationally recognized organization that rates securities;

18 (d) An investment security that is an obligation of the United States or a
19 department, agency, or instrumentality thereof; an investment in an obligation
20 that is guaranteed fully as to principal and interest by the United States; or an
21 investment in an obligation of a state or a governmental subdivision, agency,
22 or instrumentality thereof;

23 (e) Receivables that are payable to a licensee from its agents, in the ordinary
24 course of business, pursuant to contracts which are not past due or doubtful of
25 collection~~[- if the aggregate amount of receivables under this paragraph does~~
26 ~~not exceed twenty percent (20%) of the total permissible investments of a~~
27 ~~licensee and~~ if the licensee does not hold, at one (1) time, receivables under

1 this paragraph ~~from~~ⁱⁿ any one (1) person aggregating more than ten percent
 2 (10%) of the licensee's total permissible investments. *A receivable is deemed*
 3 *past due or doubtful of collection if not remitted to the licensee in five (5)*
 4 *business days or less; and*

5 *(f) A share or certificate issued by an open-end management investment*
 6 *company that is registered with the United States Securities and Exchange*
 7 *Commission pursuant to the Investment Companies Act of 1940, 15 U.S.C.*
 8 *secs. 80a-1, et seq., and whose portfolio is restricted by the management*
 9 *company's investment policy to investments specified in paragraphs (a)*
 10 *through (d) of this subsection.*

11 (3) The following investments are permissible under this section, but only to the extent
 12 specified as follows:

13 (a) An interest-bearing bill, note, bond, or debenture of a person whose equity
 14 shares are traded on a national securities exchange or on a national over-the-
 15 counter market, if the aggregate of investments under this paragraph do not
 16 exceed twenty percent (20%) of the total permissible investments of a licensee
 17 and the licensee does not, at one (1) time, hold investments under this
 18 paragraph in any one (1) person aggregating more than ten percent (10%) of
 19 the licensee's total permissible investments;

20 (b) A share of a person traded on a national securities exchange or a national
 21 over-the-counter market or a share or certificate issued by an open-end
 22 management investment company that is registered with the United States
 23 Securities and Exchange Commission pursuant to 15 U.S.C. secs. 80a-1 to
 24 80a-64, and whose portfolios are restricted by the management company's
 25 investment policy to shares of a person traded on a national securities
 26 exchange or a national over-the-counter market, if:

27 1. The aggregate of investments under this paragraph does not exceed

1 twenty percent (20%) of the total permissible investments of a licensee;
2 and

3 2. The licensee does not, at one (1) time, hold investments under this
4 paragraph in any one (1) person aggregating more than ten percent
5 (10%) of the licensee's total permissible investments; and

6 (c) A demand-borrowing agreement made to a corporation or a subsidiary of a
7 corporation whose securities are traded on a national securities exchange, if:

8 1. The aggregate amount of principal and interest outstanding under
9 demand-borrowing agreements under this paragraph does not exceed
10 twenty percent (20%) of the total permissible investments of a licensee;
11 and

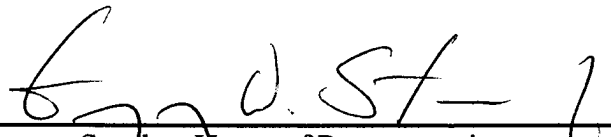
12 2. The licensee does not, at one (1) time, hold principal and interest
13 outstanding under demand-borrowing agreements under this paragraph
14 with any one (1) person aggregating more than ten percent (10%) of the
15 licensee's total permissible investments.

16 (4) The aggregate of investments under subsection (3) of this section shall not exceed
17 fifty percent (50%) of the total permissible investments of a licensee.

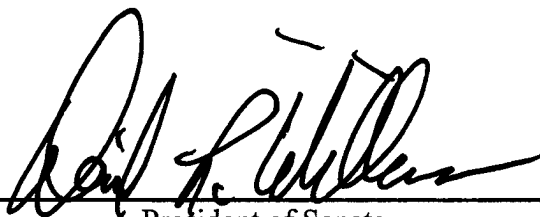
18 (5) The commissioner may limit the extent to which a type of investment within a class
19 of permissible investments may be considered a permissible investment, except for
20 money, time deposits, savings deposits, demand deposits, and certificates of deposit
21 issued by a federally insured financial institution. The commissioner may by rule or
22 order allow other types of investments that the commissioner determines to be
23 substantially equivalent to other permissible investments in regards to safety and
24 soundness.

25 (6) Permissible investments, even if commingled with other assets of the licensee, shall
26 be deemed by operation of law to be held in trust for the benefit of the purchasers
27 and holders of the licensee's outstanding payment instruments in the event of


1 insolvency or bankruptcy of the licensee.



Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 4-11-12